

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

ROBERT KIESINGER, ET AL.,

Plaintiffs,

Civ. Action No. 5:00-CV-1356
(NAM/GHL)

vs.

MEXICO ACADEMY AND CENTRAL
SCHOOL, ET AL,

Defendants,

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFFS:

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3rd Floor
Albany, NY 12207

Thomas Marcelle, Esq.

FOR DEFENDANTS:

OFFICE OF FRANK W. MILLER
6296 Fly Road
East Syracuse, NY 13057

Frank W. Miller, Esq.

NORMAN A. MORDUE, U.S. CHIEF JUDGE

JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT

Pursuant to the notice of settlement filed on June 28, 2006 (Dkt. No. 58), by
attorney Thomas Marcelle, that the parties have entered into an agreement in

settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within four months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.

Dated: June 28, 2006
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge